IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 3077 of 2007()

CMP.2047/2007 of J.M.F.C.-I,HOSDRUG
CRIME NO.50/07 OF RAJAPURAM POLICE STATION

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: PETITIONER:

K. SHAFEEQUE, S/O. ABDUL KHADER,
KARIYIL VEEDU, ULIYIL, KANNUR DISTRICT.

BY ADV. SRI.C.KHALID
SRI.T.P.SAJID

RESPONDENTS:

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1. STATION HOUSE OFFICER, RAJAPURAM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3077 OF 2007

Dated this the 29th day of May, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.50/07 of Rajapuram Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly transporting 480 litres of Karnataka arrack in 4800 packets each of 100 ml. in a jeep on 21.3.07 and who was arrested on 9.5.07, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that Shameer, the first accused, who was the driver of the jeep, had surrendered on 18.4.07 and he had confessed that accused Nos.2 and 3 were inside the jeep at the relevant time and they had also made good their escape seeing the police party.

3. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Moreover, I am not satisfied that both the grounds enumerated under Sec. 41A(b)(ii) of the Abkari Act are present in this case so as to justify his release on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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